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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,491	01/27/2001	Raymond Anthony Joao	RJ180	7937

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/771,491

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 61-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 61-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Detailed Action**

#### ***Response to Amendment***

Claims 61-80 are pending. This action is in response to the remarks received December 19, 2005.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 61-80 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **61-80** are rejected under 35 U.S.C. 102(e) as being anticipated by Kolls et al. (US 6,604,085).

Re claim **61**, Kolls teaches a computer-implemented method (fig. 2 and 3c), comprising:

storing information for effectuating an affiliated marketing relationship (col. 11, line 65 to col. 12, line 34; Kolls discloses an Internet based data storage in relation to advertisements);

detecting an occurrence of at least one of a request for advertising space, a change in an offered price for an advertising space, a change in a term or a condition for an advertising offering, an advertisement debut, and an introduction of an advertisement or an advertising campaign (col. 21, line 60 to col. 22, line 64; fig. 9b);

generating a message with a processed device, wherein the message contains information for effectuating an affiliated marketing relationship and information regarding the at least one of a request for advertising space, a change in an offered price for an advertising space, a change in a term or a condition for an advertising offering, an advertisement debut, and an introduction of an advertisement or an advertising campaign (col. 3, lines 39-55; figs. 10 and 14-15); and

transmitting the message to a communication device or a computer associated with a content provider or a user (figs. 9a and 15; Kolls discloses messages are being transmitted).

Re claims **62, 70, and 78**, Kolls teaches message is transmitted to the communication device or the computer in real-time (col. 21, lines 48-56; figs. 3a-3d and 7b). Kolls discloses message is transmitted in current time (i.e. real-time).

Re claims **63 and 79**, Kolls teaches processing information to establish the affiliated marketing relationship (col. 33, lines 1-30).

Re claims **64, 67, 69, 77, and 80**, Kolls teaches storing information regarding at least one of an advertisement space, an advertising rate, a commission, a referral fee, and a term

or condition of an advertisement offering (col. 11, line 65 to col. 12, line 34; Kolls discloses value storing medium and is capable of communicating a set of qualifying/disqualifying data or enabling/disabling data to a second control device);

receiving a query regarding an available at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering, wherein the query is transmitted from a second communication device or second computer associated with a merchant (fig. 15; Kolls discloses advertisements are displayed and distributed on the system);

processing the query and generating a second message in response to the query, wherein the second message includes information regarding at least one of an advertisement space, an advertisement rate, a commission, a referral fee, and a term or condition of an advertisement offering (fig. 18); and

transmitting the second message to the second communication device or second computer associated with the merchant (fig. 9a; Kolls transmits messages with the merchants).

Re claim **65**, Kolls teaches processing information regarding a purchase of an advertisement space or an advertisement service and an establishing of the affiliated marketing relationship (col. 6, lines 48-64).

Re claims **66** and **68**, Kolls teaches processing information regarding a bid/auction for an advertisement space or an advertisement service (col. 32, lines 22-27; fig. 15). In figure 15, Kolls discloses advertisements are distributed over network wherein customers can elect

Art Unit: 3624

to get more information or can elect to buy items or other marketing advertisements (i.e. bid/auction).

Re claim **71**, Kolls teaches message includes information regarding at least one of a past success rate of an advertisement and a success rate of the content provider (col. 9, lines 29-44; fig. 9a).

Re claims **72** and **75-76**, Kolls teaches a web site or link visited, utilized, or navigated, by an individual or the user in connecting to a communication device or computer associated with a merchant (col. 3, lines 5-64; figs. 2-3).

Re claims **73** and **74**, Kolls teaches administering a financial account for a merchant or the content provider (col. 2, line 54 to col. 3, line 9; fig. 1). In figure 1, Kolls discloses transaction for billing and account maintenance.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished

Art Unit: 3624

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH  
3/6/2006

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read 'V. Millin', located to the right of the printed name and title.